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Date: July 1, 2004

No. of Pages: 24

TO: Thomas Y. Ho

COMPANY: USPTO

FAX: 703-872-9306

FROM: Eric W. Cernyar

DEPARTMENT: Legal

FAX: 210 255 6969

PHONE: (210) 863-0063 - (Mobile)

Re: Application No. 08/904,121  
Applicant - Vrzalik, John H.  
Title: - Bariatric Bed Apparatus and Methods  
TC/A.U. 3677  
Examiner: HO, Thomas Y.  
Docket No.: Bar.295.US

Examiner Ho:

Pursuant to our telephone conversation of this date, attached please find the original documents sent to you via facsimile on March 16, 2003. Please be advised that on our original facsimile cover sheet, we erroneously stated 6 pages were being sent. However, in our confirmation of facsimile sent and in your Auto-Reply Facsimile Transmission they both state that 21 pages were sent and received respectively.

If I can be of further assistance, please do not hesitate to contact me at either (210) 590-9473 or (210) 863-0063.

I:\mfg\Cherie\Fax Cover Sheets\Ho, Thomas Fax.doc

## Mailing:

P.O. Box 659508  
San Antonio, Texas 78265-9508  
1-800-531-5369/Fax 210-255-4450

## Corporate:

8023 Vantage Drive  
San Antonio, Texas 78230-4726  
(210) 524-9000

## Manufacturing:

4958 Stout Drive  
San Antonio, Texas 78219-4334  
(210) 662-0215

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 210 255 4440

Fax Information

Date Received:

3/16/2004 3:54:25 PM [Eastern Standard Time]

Total Pages:

21 (including cover page)

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Received  
Cover  
Page

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Mar. 16. 2004 3:55 PM (CI Legal) P

No. 2426 P. 1



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Date: March 16, 2004 No. of Pages: 6  
TO: Thomas Y. Ho COMPANY: USPTO  
FAX: 703-872-9306  
FROM: Eric W. Canyar DEPARTMENT: Legal  
FAX: 210 255 6969 PHONE: (210) 653-0063 - (Mobile)

Re: Application No. 08/904,121  
Applicant - Vrzalik, John H.  
Title - Bariatric Bed Apparatus and Methods  
TC/A.U. 3677  
Examiner: HQ, Thomas Y.  
Docket No.: Bar.293.US

Examiner Ho:

Attached are the following:

Transmittal Form  
Fee Transmittal for FY 2004 (w/additional copy for accounting purposes)  
Request for Continued Examination (RCE) Transmittal  
Reply to April 29, 2003 Office Action

Bariatric Bed Apparatus and Methods

Mailbox

P.O. Box 655608

San Antonio, Texas 78230-6108

1-800-531-6349/Fax 210-255-4150

Corporate:

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San Antonio, Texas 78230-4726

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San Antonio, Texas 78219-4334

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PAGE 1/21 \* RCVD AT 3/16/2004 3:54:25 PM [Eastern Standard Time] \* SVR:USPTO-EFAX-1/12 \* DNIS:8729306 \* CSID:210 255 4440 \* DURATION (mm-ss):03:32



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**Date:** March 16, 2004

**No. of Pages:** 6

**TO:** Thomas Y. Ho

**COMPANY:** USPTO

**FAX:** 703-872-9306

**FROM:** Eric W. Cernyar

**DEPARTMENT:** Legal

**FAX:** 210 255 6969

**PHONE:** (210) 863-0063 - (Mobile)

**Re:** Application No. 08/904,121  
Applicant - Vrzalik, John H.  
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TC/A.U. 3677  
Examiner: HO, Thomas Y.  
Docket No.: Bar.295.US

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**Reply to April 29, 2003 Office Action**

I:\mfg\Cherie\Fax Cover Sheets\Ho, Thomas Fax.doc

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**Manufacturing:**

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San Antonio, Texas 78219-4334

(210) 662-0215

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 354.00)

**Complete if Known**

Application Number	08/804,121
Filing Date	July 31, 1997
First Named Inventor	VRZALIK, John H.
Examiner Name	HO, Thomas Y
Art Unit	3677
Attorney Docket No.	BAR.295.US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

500326

Kinetic Concepts Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION**

1. BASIC FILING FEE		Fee Description	Fee Paid
Large Entity Code (\$)	Small Entity Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)				
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim, if not paid			
1204 86	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2)		(\$)			

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
8 Additional Claims			144.00
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)		(\$)	354.00

**SUBMITTED BY**

Name (Print/Type)	Eric W. Cernyax	Registration No. (Attorney/Agent)	45,919	Telephone	210-255-4545
Signature	<i>Eric W. Cernyax</i>	Date	March 16, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
354.00**Complete if Known**

Application Number	08/904,121
Filing Date	July 31, 1997
First Named Inventor	VRZALIK, John H.
Examiner Name	HO, Thomas Y
Art Unit	3677
Attorney Docket No.	BAR 295.US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
500326  
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Kinetic Concepts Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

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		8 Additional Claims	144.00

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)  
354.00**SUBMITTED BY**

Name (Print/Type)	Eric W. Cernyar	Registration No. (Attorney/Agent)	45,919	Telephone	210-255-4545
Signature	<i>Eric W. Cernyar</i>			Date	March 16, 2004

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PTO/SB/21 (02-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	08/904,121	
	Filing Date	July 31, 1997	
	First Named Inventor	VRZALIK, John H.	
	Art Unit	3677	
	Examiner Name	HO, Thomas Y.	
Total Number of Pages in This Submission	21	Attorney Docket Number	BAR.295.US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RCE Form PTO/SB/30 Authorization for all fees account number 500326
Remarks <i>the request for extension of time is incorporated in the RCE. Applicant hereby petitions for extension of time under 37 CFR 1.136</i>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric W. Cernyar, Reg. No. 45,919
Signature	<i>Eric W. Cernyar</i>
Date	03/16/2004

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Eric W. Cernyar	
Signature	<i>Eric W. Cernyar</i>	Date 03/16/2004

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